IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4932 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMBABEN NATHUBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER OR HIS SUCCESSOR IN THE OFFICE

Appearance:

1. Special Civil Application No. 4932 of 2003

MR CHETAN K PANDYA for Petitioner No. 1

Mr.N.J.Shah for Mr.D.N.Patel for Respondent.

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 18/06/2003

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for respondent waives service of rule. With the consent of parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport is already issued. However, the birth-date initially in the passport is recorded as 10.4.1934 whereas the correct birth-date is 10.5.1934. The petitioner submits that an application is made to the Passport Officer, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr.Pandya for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the passport already issued or to issue fresh passport.

5. In view of the above, the respondent is directed to accept the application for passport and while considering the case for issuance of passport the respondent is directed to consider the case of the petitioner for change in birth-date from 10.4.1934 to 10.5.1934 in the passport of the petitioner bearing No.H 000759 and to pass appropriate orders in accordance with law. The respondent authorities shall take decision within a period of four weeks from the date of receipt of writ of this court. However, the petitioner shall pay costs of Rs.2,500/- to the respondent authorities since the passport authorities can not be saddled with the costs of litigation.

6. Out of the amount of Rs.5,000/- which is already deposited before this court pursuant to the order, dated 22.4.03 passed by this court, office shall disburse Rs.2,500/- towards costs directly by drawing A/c payee cheque in favour of passport authorities and shall refund remaining balance of Rs.2,500/- to the petitioner by way of A/C payee cheque.

7. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

18.6.2003 (Jayant Patel, J.)